

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL NO. 2:23cr20
	)	
DAHNICO JHARON MCCOY,	)	
	)	
and	)	
	)	
ISAIAH J. CARD,	)	
	)	
<i>Defendants.</i>	)	

**JOINT MOTION FOR CONTINUANCE**

Comes now Gregory Klein., counsel for the defendant ISAIAH J. CARD, Andrew Grindrod, counsel for defendant DAHNICO JHARON MCCOY, and Jessica D. Aber, United States Attorney for the Eastern District of Virginia, Joseph L. Kosky, Assistant United States Attorney, and jointly move this Honorable Court to continue the trial of this case currently scheduled for July 11, 2023, for the following reasons:

1. On December 19, 2022, a criminal complaint alleging one count of theft of mail, in violation of 18 U.S.C. § 1708, was filed against defendants DAHNICO JHARON MCCOY and ISAIAH J. CARD. In January 2023, each defendant agreed to toll the 30-day clock in which they need to be indicted to from January 18, 2023, to February 18, 2023. ECF No. 11, 12. On February 8, 2023, MCCOY and CARD were indicted on a single count of theft of mail, in violation of 18 U.S.C. § 1708. ECF No. 13. On February 16, 2023, the defendants were arraigned and after a status conference on February 23, 2023, the trial in this matter was set for April 24, 2023, within the 70-day Speedy Trial Act deadline. ECF No. 20, 22. On April 5, 2023, the Grand Jury filed a superseding indictment alleging four new counts against the same defendants. ECF No. 23.

Specifically, the defendants were charged with conspiracy to commit bank fraud, in violation of 18 U.S.C. § 1349, bank fraud, in violation of 18 U.S.C. § 1344, and aggravated identity theft, in violation of 18 U.S.C. § 1028A. Arraignment on the superseding indictment was set for May 4, 2023.

2. On April 6, 2023, the Court directed the parties to state their position with respect to the Speedy Trial Act and whether trial on the original charges should proceed forward. ECF No. 26. After considering the position of the parties, the Court agreed that the ends of justice in granting a continuance and trying all the charges together, outweighed the interests of the public and defendants in a speedy trial pursuant to 18 U.S.C. § 3161(h)(7)(B)(i). ECF No. 31 at 2. The parties were directed to communicate with the Court about a proposed trial date and settled on July 11, 2023.

3. On April 27, 2023, defendants were arrested in Raleigh, North Carolina on suspicion of an armed robbery of a mail carrier on or about April 19, 2023. The defendants were charged by the Wake County North Carolina district attorney's office for this robbery and have been held in custody ever since. Defendants have not made any court appearance on the superseding indictment.

4. As a result, the parties now move the Court to remove the trial date from the docket and continue this matter until such time that the defendants make an appearance on the superseding indictment. The parties agree that because the defendants have not made an appearance on the superseding indictment, the Speedy Trial clock on the new charges has not yet commenced. Furthermore, the Court previously ruled that the ends of justice in trying all of the charges in this matter together, outweigh the defendants and public's interest in a speedy trial. Finally, any delay caused by such a continuance is excludable as delay resulting from trial with respect to other

charges against these defendants. *See* 18 U.S.C. § 3161(h)(1)(B); *United States v. Shear*, 825 F.2d 783, 786 (4th Cir. 1987).

5. Therefore, the parties respectfully request that the Court remove July 11, 2023, trial date from the docket and continue this matter generally until the defendants make an appearance before the Court and are arraigned on the superseding indictment.

Respectfully Submitted,

Jessica D. Aber  
United States Attorney

By:                     /s/                      
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Andrew Grindrod  
Counsel for DAHNICO JHARON MCCOY

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of June, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will cause a notice of electronic filing to be sent to all parties of record.

/s/

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